

REMARKS

By this amendment, claims 1 and 2 have been amended, claims 3-20 have been kept as originally filed. No claims have been cancelled. Accordingly, claims 1-20 are now pending in the application. Reconsideration and allowance of all of the claims are respectfully requested in view of the foregoing amendments and the following remarks.

Regarding Office Action Paragraphs 2 and 3 – Object to the Specification and Rejection under 35 U.S.C. 112

Examiner rejected claim 2 under 35 U.S.C. 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The expression “ATV-type tire” is considered unclear by the Examiner. While Applicants believe that a person skilled in the art would easily recognize an ATV-type tire, in order to facilitate prosecution of the application, they have deleted the expression “ATV-type” in relation to the tires. The claim now simply recites “a tire”. This should overcome examiner’s rejection of claim 2, and her objection to the specification, as “an ATV-type” tire is no longer being claimed.

Regarding Office Action Paragraph 4 and 5 – Rejection under 35 U.S.C. 103(a)

Examiner rejected claims 1-11, 16, 17, 19 and 20 as being unpatentable over Haynes (US Pat. No. 6,105,721). Applicants respectfully disagree. Examiner stated “Haynes teaches an ATV with a secondary seat portion 45 rearward of the main seat portion”. This is not all, however, that claim 1 recites. Specifically claim 1 recites a “straddle-type seat...”. The secondary seat portion of Haynes is clearly not a straddle-type seat, but rather a bench-type set. Rail member 47 prevents straddle seating. Haynes cannot render claim 1 unpatentable for at least this reason.

Applicants have amended claim 1 to add that the secondary seat portion is not only rearward of, but also adjacent to, the main seat portion. This should more precisely define the claimed invention and make it clear that applicants are not claiming a secondary seat portion which is overhead of the main seat portion.

Finally Applicants disagree with Examiner’s statements regarding the obviousness of the wheelbase length and the grab handle, but a response thereto is unnecessary as the claim is otherwise patentable as set forth above.

Double Patenting Provisional Rejection

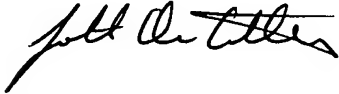
A terminal disclaimer is enclosed herewith in compliance with 37 CFR 1.321(c). Applicants believe that this should overcome the provisional rejection obviousness-type double patenting rejection..

Conclusion

In view of the above amendments and remarks, the Applicant respectfully submits that all of the currently pending claims are allowable, and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan D. Cutler". The signature is fluid and cursive, with a long horizontal stroke at the end.

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